

REPORT OF THE COMMITTEE ON PUBLIC HEALTH, SAFETY & WELFARE

Voting Members:

Brandon J. C. Elefante, Chair; Kymberly Marcos Pine, Vice Chair;
Ikaika Anderson, Ernest Y. Martin; Trevor Ozawa;

Committee Meeting Held
March 7, 2017

Honorable Ron Menor
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Health, Safety and Welfare, which considered Bill 6 (2017) entitled:

"A BILL FOR AN ORDINANCE RELATING TO MOBILE ELECTRONIC
DEVICES,"

introduced on January 12, 2017 and which passed first reading at the January 25, 2017 Council meeting, reports as follows:

The purpose of the Bill is to regulate the use of mobile electronic devices by certain persons.

Honolulu Police Department Major Kerry Inouye testified in support of the hand-carried CD-1 version of the Bill. He indicated that road and pedestrian safety is a shared responsibility and needs to be a collaborative effort by all parties.

Your Committee received one written testimony in support of the Bill.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON MAR 22 2017

COMMITTEE REPORT NO. 73

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Page 2

Your Committee considered and approved a hand-carried proposed CD1 version that makes the following amendments:

1. Amends SECTION 2 of the Bill, which amends Revised Ordinances of Honolulu ("ROH") Section 15-24.23, as follows:
 - a. Removes the deletion of the word "motor" before "vehicle" to return the phrase to "motor vehicle" throughout the section;
 - b. Further amends subsection (b) to prohibit persons from viewing a mobile electronic device while crossing a street or highway;
 - c. Further amends subsection (c) to state that it is an affirmative defense to any citation for a violation of subsection (a) or (b) that the cited person was engaged in making a "911" emergency communication with a mobile electronic device;
 - d. Further amends the new language in subsection (d)(4) to read as follows: "Persons operating a vessel underway on or in the waters of the State." This change makes the language consistent with Hawaii Revised Statutes Section 291E-1;
 - e. Removes the amendments made to the definition of "use or using" in subsection (e);

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March 7, 2017
Page 3

- f. Removes the definition of "vehicle" in subsection (e); and
 - g. Adds a definition for "viewing" in subsection (e) to read as follows: ""Viewing" means looking in the direction of the screen of a mobile electronic device."
- 2. Revises SECTION 4 of the bill by changing the effective date from sixty days to ninety days after approval.
 - 3. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee on Public Health, Safety and Welfare is in accord with the intent and purpose of Bill 6 (2017), as amended herein, and recommends that it pass second reading, be scheduled for a public hearing, and be referred back to Committee in the form attached hereto as Bill 6 (2017), CD1. (Ayes: Elefante, Anderson, Pine – 3; Noes: None; Excused: Martin, Ozawa - 2.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON MAR 22 2017

COMMITTEE REPORT NO. 73



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 6 (2017), CD1

A BILL FOR AN ORDINANCE

RELATING TO MOBILE ELECTRONIC DEVICES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to regulate the use of mobile electronic devices by certain persons.

SECTION 2. Section 15-24.23, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 15-24.23 Mobile electronic devices.

- (a) No person shall operate a motor vehicle while using a mobile electronic device.
- (b) No person shall cross a street or highway while viewing a mobile electronic device.
- (c) ~~[The use of a mobile electronic device for the sole purpose of making a "911" emergency communication shall be]~~ It is an affirmative defense to [this ordinance.] any citation for a violation of subsection (a) or (b) that the cited person was engaged in making a "911" emergency communication with a mobile electronic device.
- ~~[(c)](d)~~ The following persons ~~[shall be]~~ are exempt from the provisions of subsection (a) ~~or (b), or both, as the case may be:~~
 - (1) Emergency responders using or viewing a mobile electronic device while in the performance and scope of their official duties;
 - (2) Drivers using two-way radios while in the performance and scope of their work-related duties;
 - (3) Drivers holding a valid amateur radio operator license issued by the Federal Communications Commission and using a half-duplex two-way radio~~[-]; and~~
 - (4) Persons operating a vessel underway on or in the waters of the State.

~~[(d)](e)~~ As used in this section:



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 6 (2017), CD1

A BILL FOR AN ORDINANCE

"Emergency responders" include firefighters, emergency medical technicians, mobile intensive care technicians, civil defense workers, police officers and federal and state law enforcement officers.

"Mobile electronic device" means any handheld or other portable electronic equipment capable of providing wireless and/or data communication between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video game, or digital photographic device, but does not include any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle or video entertainment to the passengers in the rear seats of the motor vehicle.

"Motor vehicle" means the same as is defined in HRS Section 291E-1.

"Operate" a motor vehicle means the same as is defined in HRS Section 291E-1.

"Use or using" means holding a mobile electronic device while operating a motor vehicle.

"Viewing" means looking in the direction of the screen of a mobile electronic device."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 4. This ordinance takes effect ninety days after its approval.

INTRODUCED BY:

Brandon Elefante

DATE OF INTRODUCTION:

January 12, 2017
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu